

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at WINCHESTER

DENNIS EDDINS,

*Plaintiff,*

v.

ROBERT E. COOPER, State  
Attorney General, *et al.*,

*Defendants.*

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Case No. 4:08-cv-31  
Judge Mattice

**MEMORANDUM AND ORDER**

Plaintiff Dennis Eddins applied *pro se* to the Court to file this Section 1983 action *in forma pauperis*. Under the authority of 28 U.S.C. § 636(b), Magistrate Judge Susan K. Lee filed a Report and Recommendation (“R&R”) recommending that the Court dismiss Plaintiff’s Complaint as frivolous pursuant to 28 U.S.C. § 1915.

Before the Court are Plaintiff’s timely objections to the R&R [Court Doc. 7]. For the reasons explained below, Plaintiff’s objections will be **OVERRULED**.

**I. STANDARD**

This Court must conduct a *de novo* review of those portions of the Report and Recommendation to which an objection is made and may accept, reject, or modify, in whole or in part, the Magistrate Judge’s findings or recommendations. 28 U.S.C. § 636(b)(1)(C). If a complainant has no chance of success on the merits, the case is frivolous. *Brooks v. Dutton*, 751 F.2d 197 (6th Cir. 1985). Claims against a party who is clearly entitled to immunity lack any chance of success and are frivolous. See *Neitzke v. Williams*, 490 U.S. 319, 327 (1989).

## II. ANALYSIS

Plaintiff filed an application to proceed *in forma pauperis* which was granted by Magistrate Judge Susan K. Lee. (Court Doc. 6.) Magistrate Judge Lee directed the Clerk to file Plaintiff's Complaint but instructed the Clerk not to issue process based on her finding that Plaintiff's Complaint was frivolous because the Defendants were entitled to various forms of immunity. (*Id.* at 3-5.) Magistrate Judge Lee recommended that the Court dismiss Plaintiff's Complaint. (*Id.* at 5.)

Plaintiff objects to the R&R on the basis that immunity does not extend to actions performed outside of an official's lawful authority. (Court Doc. 7 at 2.) Plaintiff cites *Krueger v. Miller*, 489 F. Supp. 321 (E.D. Tenn. 1977), in support of his objection.

The Court does not take issue with the legal precedent cited by Plaintiff, but finds that it is inapplicable to his Complaint. Even construing Plaintiff's Complaint liberally, as the Court must do with *pro se* pleadings, Plaintiff's case is easily distinguishable from *Krueger*. While *Krueger* involved a situation where a judicial officer had clearly operated outside of the bounds of his authority by producing a false badge and making a warrantless arrest of the plaintiff in her home, *see id.* at 329-30, Plaintiff's Complaint in this case is a meandering recitation of his dealings in the state criminal courts of Tennessee and Alabama. The Defendants in this case are the various players in his state court criminal proceedings, including judges, district attorneys, defense counsel, grand jury members, and community corrections officers. Plaintiff alleges that they all conspired to violate his constitutional rights and that he is entitled to recover \$300,000,000 for these violations. Nowhere in his Complaint, however, is there an allegation that any of the Defendants acted

outside of the scope of their official authority. Accordingly, the authority cited by Plaintiff does not apply and, as discussed by Magistrate Judge Lee in the R&R, Plaintiff has no chance of success on his claims as Defendants are immune from suit.

### **III. CONCLUSION**

For the reasons stated above, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Lee's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b). Plaintiff's Objection [Court Doc. 7] is **OVERRULED**. The Court **FINDS** that Plaintiff's Complaint [Court Doc. 5] is frivolous and, therefore, Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e).

SO ORDERED this 4<sup>th</sup> day of March, 2009.

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE